

1 AN ACT concerning civil procedure.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-1001 as follows:

6 (735 ILCS 5/2-1001) (from Ch. 110, par. 2-1001)
7 Sec. 2-1001. Substitution of judge.

8 (a) A substitution of judge in any civil action may be
9 had in the following situations:

10 (1) Involvement of judge. When the judge is a
11 party or interested in the action, or his or her
12 testimony is material to either of the parties to the
13 action, or he or she is related to or has been counsel
14 for any party in regard to the matter in controversy. In
15 any such situation a substitution of judge may be awarded
16 by the court with or without the application of either
17 party.

18 (2) Substitution as of right. When a party timely
19 exercises his or her right to a substitution without
20 cause as provided in this paragraph (2).

21 (i) Each party shall be entitled to one
22 substitution of judge without cause as a matter of
23 right.

24 (ii) An application for substitution of judge
25 as of right shall be made by motion and shall be
26 granted if it is presented before trial or hearing
27 begins and before the judge to whom it is presented
28 has ruled on any substantial issue in the case, or
29 if it is presented by consent of the parties.

30 (iii) If any party has not entered an
31 appearance in the case and has not been found in

1 default, rulings in the case by the judge on any
2 substantial issue before the party's appearance
3 shall not be grounds for denying an otherwise timely
4 application for substitution of judge as of right by
5 the party.

6 Under no circumstances shall a party be entitled to
7 a substitution as of right unless the motion for
8 substitution is filed within 120 days after the action is
9 assigned to the judge or the party files an appearance,
10 whichever is later.

11 (3) Substitution for cause. When cause exists.

12 (i) Each party shall be entitled to a
13 substitution or substitutions of judge for cause.

14 (ii) Every application for substitution of
15 judge for cause shall be made by petition, setting
16 forth the specific cause for substitution and
17 praying a substitution of judge. The petition shall
18 be verified by the affidavit of the applicant.

19 (iii) Upon the filing of a petition for
20 substitution of judge for cause, a hearing to
21 determine whether the cause exists shall be
22 conducted as soon as possible by a judge other than
23 the judge named in the petition.

24 (4) Substitution in contempt proceedings. When any
25 defendant in a proceeding for contempt arising from an
26 attack upon the character or conduct of a judge occurring
27 otherwise than in open court, and the proceeding is
28 pending before the judge whose character or conduct was
29 impugned, fears that he or she will not receive a fair
30 and impartial trial before that judge. In any such
31 situation the application shall be by petition, verified
32 by the applicant, and shall be filed before the trial of
33 the contempt proceeding.

34 (b) An application for substitution of judge may be made

1 to the court in which the case is pending, reasonable notice
2 of the application having been given to the adverse party or
3 his or her attorney.

4 (c) When a substitution of judge is granted, the case
5 may be assigned to some other judge in the same county, or in
6 some other convenient county, to which there is no valid
7 objection. If the case is assigned to a judge in some other
8 county, the provisions of subsections (f) through (m) of
9 Section 2-1001.5 shall apply.

10 (Source: P.A. 87-949; 88-35.)